

### REMARKS

The Office Action mailed November 14, 2007, rejected all claims 1-9 pending. Applicant above has amended claims 4, 5 and 9. As such, claims 1-9 remain pending. Applicant requests reconsideration in view of the amendments above, the following remarks, and a terminal disclaimer being submitted separately.

#### **Double Patenting and Terminal Disclaimer**

The Office Action rejected claims 1-9 on the ground of non-statutory obviousness-type double patenting, as being unpatentable over claims 1 and 12 of U.S. Patent No. 7,096,230. Applicant is filing, in a separate paper, a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome the non-statutory obviousness-type double patenting rejection. As such, Applicant requests that the rejection be withdrawn.

#### **Claim Rejections – 35 USC 101**

The Office Action rejected claim 9 under 35 U.S.C. 101 as being directed to non-statutory subject matter. While Applicant does not agree with the position taken in the Office Action, Applicant has nevertheless amended claim 9 above in a manner suggested in the Office Action, in order to advance prosecution on the merits. Accordingly, Applicant respectfully requests that the Section 101 rejection be withdrawn.

#### **Claim Objections**

The Office Action objected to claim 4 and 5 as being in improper form. Applicant has amended claim 4 and claim 5 in a manner that Applicant submits addresses the objection, and requests that the claim objections be withdrawn.

#### **Conclusion**

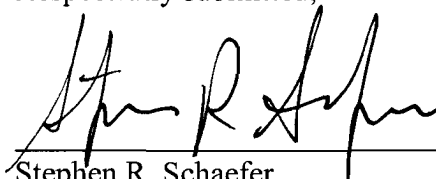
Applicants submit that claims 1-9 are in condition for allowance, and requests that the Examiner issue a notice of allowance.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Examiner is authorized to charge Deposit Account No. 06-1050 \$120 for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Date: 28 Feb. 2007

Respectfully submitted,



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